

I. Formal Matters

Examiner states that the Declaration is defective. Although Applicant maintains that the Declaration as filed is adequate, a new Declaration is filed herewith solely to facilitate prosecution of the application.

II. Rejections under 35 U.S.C. §112, First Paragraph

On page 2, paragraph 6 of the Office Action, the Examiner rejects Claims 1 to 38 under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not described in the specification as to reasonably convey to one skilled in the relevant art that the inventors, at the time of the application was filed, had possession of the claimed invention.

Canceling of the claims 1-38 and addition of new claims renders the rejection moot because the new claims relate to a method of increasing cytidine in the brain by administration of uridine. The method of administration of uridine for increasing brain cytidine is enabled in Examples 2 and 3. The specific support in the original application for the new claims is cited above and reasonably conveys to one skilled in the art how to make and use the invention.

Accordingly, Applicants request reconsideration and withdrawal of the enablement rejection.

III. Rejections under 35 U.S.C. §112, Second Paragraph

On page 3, paragraph 2 of the Office Action, the Examiner rejects claims 1 to 38 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the invention.

Canceling the claims 1-38 and addition of new claims renders the rejection moot, because the offending usages of language no longer appear in the new claims. Applicants assert that the new claims distinctly claim and particularly point out the invention as taught in the specification.

Accordingly, withdrawal and reconsideration of the indefiniteness rejection is requested.

IV. Rejections under 35 U.S.C. §102(b) or (e)

The Examiner rejects claims 1-38 as being anticipated by any one of PTO-892 references B, L, R, S, T, U, V, W, X, Y, or Z.

Canceling the claims 1-38 and addition of new claims renders the rejection moot. In particular, reference B is directed to use of uridine as a growth promoter and a treatment for pathological aging and neuronal degeneration. New claims 39 to 50, in contrast, are directed to increasing levels of cytidine in the brain, not use of uridine as a growth promoter. Claims 42 and 50 are directed to treatment of a human suffering a memory disorder, not necessarily associated with pathological aging or a neuronal degeneration. References B, L, V, X, and Y are directed to decay in neuron function, whereas the instant invention, as claimed, is directed to increasing brain cytidine levels. Reference R is directed only to diseases in the first few years of life, where the disease is characterized by developmental delay, seizures, ataxia, language deficit, hyperactivity, or short attention span. Reference S is directed to muscular atrophy or muscular fatigue, not to increasing brain levels of cytidine. Reference T is directed to treatment of hospitalized patients with mental deterioration, not to increasing brain cytidine levels. Reference U is directed to treatment of patients with diabetic neuropathy, not to increasing brain cytidine levels. Reference V is directed to patients with multi-infarct, post-stroke dementia. References W and X are directed to treatment with both uridine and cytidine and teach away from the use of uridine alone as in the current invention. Reference Y is directed to treatment of peripheral neuropathy, rather than brain cytidine levels. Moreover, the data of the reference Y are obtained only on the PC-12 cell line in culture. Reference Z is directed to increasing brain levels of UDP-glucose and uracil nucleotides, rather than increasing brain cytidine levels. Therefore, none of the references teach or suggest a method of increasing brain cytidine levels by administration of uridine. Moreover, some of the references, e.g. W and Y, even teach away from this method. Accordingly, the invention as claimed is both novel and nonobvious.

Withdrawal and reconsideration of the novelty rejection is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.


Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned directly at (202) 220-1236.

Respectfully submitted,
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Enclosure - Declaration and Power of Attorney

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